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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

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2011 MAR 14 P 1:00

MAR 14 2011

AZ CORP COMMISSION  
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IN THE MATTER OF THE COMPLAINT OF THE  
BUREAU OF INDIAN AFFAIRS, UNITED  
STATES OF AMERICA, AGAINST MOHAVE  
ELECTRIC COOPERATIVE, INC. AS TO  
SERVICES TO THE HAVASUPAI AND  
HUALAPAI INDIAN RESERVATIONS.

DOCKET NO. E-01750A-05-0579

**PROCEDURAL ORDER**  
**CONTINUING STATUS**  
**CONFERENCE REGARDING**  
**REHEARING OF DECISION NO.**  
**72043; AND DIRECTING STAFF TO**  
**RESPOND TO MOHAVE'S MOTION**  
**FOR AN EXTENSION OF**  
**COMPLIANCE DEADLINES**

**BY THE COMMISSION:**

On December 10, 2011, the Commission issued Decision No. 72043 in this docket.

On December 30, 2010, Mohave Electric Cooperative, Inc. ("Mohave" or "Respondent") timely filed an Application for Rehearing of Decision No. 72043 pursuant to A.R.S. § 40-253 ("Application for Rehearing").

On January 11, 2011, Bureau of Indian Affairs, United States of America, ("BIA" or "Complainant") filed a response to Mohave's Application for Rehearing.

On January 18, 2011, the Commission voted to grant Mohave's Application for Rehearing. The Commission ordered the Hearing Division to issue a procedural order scheduling a procedural conference for the purpose of setting a procedural schedule for the rehearing proceeding, and to prepare a Recommended Order on Rehearing for Commission consideration.

A procedural order was issued on January 18, 2011, setting the procedural conference to commence on January 25, 2011.

The procedural conference commenced as scheduled. Mohave and BIA appeared through counsel. Counsel for Mohave indicated that Mohave wishes to enter into discussions with BIA in an attempt to resolve their disputed issues. To that end, Mohave would prefer not to have a hearing date

1 set for rehearing Decision No. 72043 at this time, but proposed instead that a status conference be set  
2 in 45 days, at which time Mohave and BIA could report on their progress in reaching a resolution on  
3 the issues Mohave raised in its December 30, 2010 Application for Rehearing. Counsel for BIA  
4 indicated that BIA was amenable to Mohave's proposal.

5 At the procedural conference, Mohave indicated difficulty in attaining timely compliance with  
6 certain requirements of Decision No. 72043. After discussion, Mohave indicated that it planned to  
7 file a motion requesting that the Commission grant an extension of compliance deadlines. BIA  
8 indicated that it had no objection at this time to Mohave filing such a motion.

9 On January 26, 2011, a procedural order was issued setting a procedural status conference to  
10 commence on March 17, 2011, for the purpose of allowing Complainant and Respondent to provide a  
11 status update on their settlement discussions in this matter. On January 31, 2011, Mohave filed a  
12 Motion for Extension of Compliance Deadlines in Decision No. 72043 ("Motion"), in which it  
13 requests an extension of three compliance deadlines ordered by Decision No. 72043. Decision No.  
14 72043 ordered Mohave to recommence operation and maintenance of the electric power line that  
15 starts at Mohave's Nelson Substation and runs approximately 70 miles north, northeast, to the Long  
16 Mesa Transformer, located at the rim of the Grand Canyon, Arizona ("Line") within ten days; to  
17 begin reading meters of its retail customers currently served by the Line within ten days; and to place  
18 a meter at Long Mesa and recommence reading the meter at Long Mesa within ten days, to determine  
19 the proper amount to bill the BIA for electricity used past the point of Long Mesa.

20 On February 9, 2011, BIA filed a Response to the Motion.

21 On February 17, 2011, Mohave filed a Reply to BIA's Response to its Motion.

22 The Commission's Utilities Division ("Staff") has not filed a recommendation in regard to  
23 Mohave's Motion, and the Commission has not acted on the Motion.

24 On March 14, 2011, BIA and Mohave contacted the Hearing Division and requested a  
25 procedural conference. A telephonic procedural conference was held with BIA and Mohave  
26 appearing through counsel. Counsel for BIA indicated that due to a grand jury appearance, he would  
27 be unable to appear at the procedural status conference in the rehearing proceeding set for March 17,  
28 2011, and requested a continuance. Mohave did not oppose the request.

1 BIA's request for a continuance of the procedural status conference in the rehearing  
2 proceeding is reasonable and should be granted.

3 Staff should file a response to Mohave's Motion.


4 IT IS THEREFORE ORDERED that the **procedural status conference** for the purpose of  
5 allowing Complainant and Respondent to provide a **status update on their settlement discussions**  
6 in this matter that is currently scheduled to commence on March 17, 2011, at 10:00 a.m., is hereby  
7 **continued to March 31, 2011, at 2:00 p.m.**, or as soon as practicable thereafter, at the Commission's  
8 offices, 1200 W. Washington, Hearing Room No. 1, Phoenix, Arizona.

9 IT IS FURTHER ORDERED that Staff shall file, on or before **March 25, 2011**, a  
10 recommendation in regard to Mohave's Motion for an Extension of Compliance Deadlines.

11 IT IS FURTHER ORDERED that **the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized**  
12 **Communications)** continues to apply to this proceeding and shall remain in effect until the  
13 **Commission's Decision in this matter is final and non-appealable.**

14 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend,  
15 or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at  
16 hearing.

17 DATED this 14<sup>th</sup> day of March, 2011.

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22 TEENA J. BILIAN  
23 ADMINISTRATIVE LAW JUDGE  
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1 Copies of the foregoing mailed/delivered/faxed  
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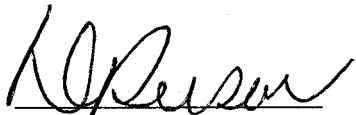
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